

To: Chan, Janice[Chan.Janice@epa.gov]; Howard Shanker[howard@shankerlaw.net]; Campbell, Rich[Campbell.Rich@epa.gov]
Cc: Greenberg, Ken[Greenberg.Ken@epa.gov]; Sakamoto, Glenn[Sakamoto.Glenn@epa.gov]; Sablad, Elizabeth[Sablad.Elizabeth@epa.gov]; PERKINS, SUSANNE[Perkins.Susanne@epa.gov]; Mitschele, Becky[Mitschele.Becky@epa.gov]
From: Karlson, Kristine
Sent: Tue 11/4/2014 7:51:33 PM
Subject: RE: Just Wanted to make Sure you saw this

Mr. Shanker –

You've raised several potential legal issues with your complaint, each of which requires follow-up. Your answers to the questions below are not required in order for us to investigate, but if you can provide the information it help us prioritize this complaint, speed up our investigation, and determine which individual(s) should look into these claims.

- 1) You believe this farm was constructed without coverage under the stormwater construction general permit. Please provide any information you can on the street address/exact location of the farm and when you believe construction began and ended. We also need to know the name of the construction operators (construction company and/or developer), and the approximate size of the site. If you have contact information for the operators in charge during construction, that would be very helpful. If you have information suggesting the site discharged pollution to waters of the United States without permit coverage, please indicate what information you have.
- 2) You believe the farm may currently be operating without required CAFO permitting. Please provide anything you know about the date when operations began at the farm, the current number of chickens, and the official name of the business operating it.
- 3) What is the name of the person(s) at the Arizona PDES with whom you have been in contact on this matter?

Thanks,

Kristine

Kristine Karlson

(415) 947-4297

From: Chan, Janice
Sent: Tuesday, November 04, 2014 11:08 AM
To: Howard Shanker; Campbell, Rich
Cc: Greenberg, Ken; Sakamoto, Glenn; Karlson, Kristine; Sablad, Elizabeth; PERKINS, SUSANNE; Mitschele, Becky
Subject: RE: Just Wanted to make Sure you saw this

Hello Mr. Shanker,

I did receive your email. I've been trying to find the correct folks at EPA to connect you with. Since I work in Air Enforcement, my role with Water Enforcement is very limited. I'm copying the responsible manager for Water Enforcement as well as responsible personnel in both Water Enforcement and the Water Program to see whether they can provide answers or assist in the matter.

Thanks,

Janice

Janice Chan

U.S. EPA - R9

Enforcement Division

Air & TRI Section (ENF-2-1)

415-972-3308

Chan.Janice@epa.gov

From: Howard Shanker [<mailto:howard@shankerlaw.net>]
Sent: Tuesday, November 04, 2014 10:53 AM
To: Campbell, Rich; Chan, Janice
Subject: Just Wanted to make Sure you saw this
Importance: High

I sent the below last week. I just wanted to make sure you saw it. Looking forward to hearing from you. Thanks.

Howard

Hi Rich/Janice: As you may recall, Hickman Eggs is operating a CAFO in Tonopah Arizona (Desert Pride Farms) that is scheduled to house approximately 12 million chickens. I recently requested documents pertaining to Hickman's compliance with the AZPDES program. I did my file review on Wednesday. Hickman already has chickens on site and appears to be operational.

1. We previously established that Hickman essentially completed construction without a Stormwater Pollution Protection Plan or even an NOI to come in under the General Construction Permit. In fact Hickman didn't begin to file the necessary construction documents until after I requested them from ADEQ. These facts are beyond dispute. ADEQ has indicated that they will take no action against Hickman for this. As an aside, when I discovered the fact that Hickman had no SPPP and no construction NOI and pointed it out to DEQ - there seems to have been an internal argument over the fact that ADEQ had complied with my public records request and that should have been the end of the inquiry. i.e., ADEQ didn't have the documents and I should be done.

2. In my most recent file review I found, again, nothing. Hickman has filed no permit application for its Tonopah operations to be covered by the AZPDES program;

3. As you may be aware the General Permit for CAFOs in Arizona has expired - notwithstanding, Hickman has not filed an NOI;

4. Hickman has filed no Nutrient Management Plan;

5. Indeed, Hickman appears to simply be proceeding with operations without bothering to meet obligations under the AZPDES program - ADEQ does not seem to care

Any suggestions would be appreciated. Indeed, if the EPA would like to try to protect the Nation's waters, that would be nice too. Thanks.

Howard M. Shanker

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